UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

BRUCE LEWIS,

                    Defendant.

16 Cr. 786 (NSR) -01

WHEREAS, defendant Bruce Lewis, through his attorney, Domenick Porco, Esq., has moved for a reduction in his sentence, pursuant to 18 U.S.C. § 3582(c)(1)(A)(i) (Docket Entry 304 (the "Motion")); and

WHEREAS, on or about August 5, 2019, Lewis filed a notice of appeal from his judgment and conviction, which appeal is currently pending; and

WHEREAS, a defendant's filing of a notice of appeal divests this Court of jurisdiction over any issues raised on appeal—including the defendant's sentence—until the appeal is resolved; and

WHEREAS, Lewis agrees that, in light of his pending appeal, this Court is without jurisdiction to resolve the Motion; and

WHEREAS, the Court finds that it lacks authority to grant the Motion because of an appeal that has been docketed and is pending; and

WHEREAS, the parties agree that, in light of Lewis's age, certain of Lewis's medical conditions, and the unique circumstances of Lewis's case, the Motion raises a "substantial issue," as that term is defined in Federal Rule of Criminal Procedure 37(a)(3);

IT IS HEREBY ORDERED that the Motion is denied without prejudice for lack of

jurisdiction; and

IT IS HEREBY FURTHER ORDERED that the Court finds that, in light of Lewis's age, certain of Lewis's medical conditions, and the unique circumstances of Lewis's case, the Motion raises a "substantial issue," as that term is defined in Federal Rule of Criminal Procedure 37(a)(3); and

IT IS HEREBY FURTHER ORDERED that, in light of this Order, the conference in this matter scheduled for November 20, 2020, is hereby cancelled as it is moot. The Clerk of the Court is requested to terminate the motion at ECF No. 278.

Dated: White Plains, New York   SO ORDERED.
        November 19, 2020

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THE HONORABLE NELSON S. ROMÁN
UNITED STATES DISTRICT JUDGE

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